Amendments to the Claims

1. **(Currently Amended)** An evaluation apparatus ~~for a biological sample~~ for acquiring numerical data showing a state of ~~said~~ a biological sample from image data obtained by taking an image of ~~said~~ the biological sample, the evaluation apparatus comprising:

~~(a)~~ a condition pass/fail determining unit for determining whether a measuring area ~~being~~ set as a numerical data acquiring area in an image to be evaluated ~~conforms to~~ meets a predetermined condition for acquiring the numerical data~~;~~:

~~(b)~~ a digitization unit for acquiring the numerical data from the image of which the measuring area is judged to meet ~~be conforming to~~ the predetermined condition~~;~~: and

~~(c)~~ a measuring area changing unit for changing a position of the measuring area with regard to the biological sample when said condition pass/fail determining unit determines the predetermined condition is not met.

2. **(Currently Amended)** The evaluation apparatus of claim 1, wherein the biological sample includes a cell, and the predetermined condition includes at least one of (i) a number of ~~the cell~~ cells and (ii) an entire area of the ~~cell~~ number of cells in the measuring area.

3. **(Original)** The evaluation apparatus of claim 1, wherein the predetermined condition includes a reference image to be compared with the image in the measuring area.

4. **(Currently Amended)** The evaluation apparatus of claim 1, wherein the predetermined condition includes a predetermined value ~~relating to~~ for judging a result of a comparison ~~obtained by comparison~~ between the image in the measuring area and a reference image.

5. **(Currently Amended)** The evaluation apparatus of claim 1, wherein ~~said~~ the biological sample is a cell having a linear structure extending from a main body of a soma, and ~~said~~ the numerical data includes at least one of (i) a length and (ii) an entire area of the linear structure.

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6. **(Currently Amended)** An evaluation method for ~~a biological sample for~~ acquiring numerical data from ~~an~~ image data obtained by taking an image of ~~said~~ _a_ biological sample_, the evaluation method_ comprising ~~the steps of~~:

    ~~(a)~~ setting a condition for acquiring _the_ numerical data from a measuring area ~~being~~ set as a numerical data acquiring area in ~~an~~ _the_ image to be evaluated~~,~~_;_

    ~~(b)~~ judging whether the measuring area ~~conforms to~~ _meets_ the condition ~~when~~ _for_ acquiring the numerical data~~,~~_;_

    ~~(c)~~ acquiring the numerical data from the measuring area when _the measuring area is_ judged to ~~conform to~~ _meet_ the condition~~,~~_;_ and

    ~~(d)~~ changing _a position of_ the measuring area _with regard to the biological sample_ when _the measuring area is_ judged not to ~~conform~~ _meet the condition_.

7. **(Currently Amended)** The evaluation method of claim 6, wherein the biological sample includes a cell, and the condition includes at least one of _(i)_ a number of ~~the cell~~ _cells_ and _(ii) an entire_ area of the ~~cell~~ _number of cells_ in the measuring area.

8. **(Original)** The evaluation method of claim 6, wherein the condition includes a reference image to be compared with the image in the measuring area.

9. **(Currently Amended)** The evaluation method of claim 6, wherein the predetermined condition includes a predetermined value ~~relating to~~ _for judging_ a result of _a_ comparison ~~obtained by comparison~~ between the image in the measuring area and a reference image.

10. **(Currently Amended)** The evaluation method of claim 6, wherein ~~said~~ _the_ biological sample is a cell having a linear structure extending from _a main body of_ a soma, and ~~said~~ _the_ numerical data includes at least one of _(i)_ a length and _(ii)_ an _entire_ area of the linear structure.

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11. **(Currently Amended)** A ~~storage medium storing a~~ computer program <u>stored on a storage medium</u> for executing an evaluation method of a biological sample for acquiring numerical data from an image data obtained by taking an image of ~~said~~ <u>the</u> biological sample, ~~said~~ <u>the</u> evaluation method comprising ~~the steps of~~:

~~(a)~~ setting a condition for acquiring <u>the</u> numerical data from a measuring area ~~being~~ set as a numerical data acquiring area in ~~an~~ <u>the</u> image to be evaluated~~,~~:

~~(b)~~ judging whether the measuring area ~~conforms to~~ <u>meets</u> the condition ~~when~~ <u>for</u> acquiring the numerical data~~,~~:

~~(c)~~ acquiring the numerical data from the measuring area when <u>the measuring area is</u> judged to ~~conform to~~ <u>meet</u> the condition~~,~~: and

~~(d)~~ changing <u>a position of</u> the measuring area <u>with regard to the biological sample</u> when <u>the measuring area is</u> judged not to ~~conform~~ <u>meet the condition</u>.

12. **(Currently Amended)** The storage medium of claim 11, wherein the biological sample include a cell, and the condition includes at least one of <u>(i)</u> a number of ~~cell~~ <u>cells</u> and <u>(ii)</u> an <u>entire</u> area of the ~~cell~~ <u>number of cells</u> in the measuring area.

13. **(Original)** The storage medium of claim 11, wherein the condition includes a reference image to be compared with the image in the measuring area.

14. **(Currently Amended)** The storage medium of claim 11, wherein the condition includes the predetermined value ~~relating to~~ <u>for judging</u> the result of <u>a</u> comparison ~~obtained by comparison~~ between the image in the measuring area and a reference image.

15. **(Currently Amended)** The storage medium of claim 11, wherein ~~said~~ <u>the</u> biological sample are a cell having a linear structure extending from <u>a main body of a</u> ~~the~~ soma, and the numerical data includes at least one of <u>(i)</u> a length and <u>(2)</u> an <u>entire</u> area of the linear structure.

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